

M-2

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 28, 1951

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Absent: None

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; W. T. Williams, Assistant City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Approval of the Minutes of the previous meeting was postponed until the following week.

MISS LILLIE HERMAN, 1403 W. 39 $\frac{1}{2}$ Street, reported that the City had put in some storm sewers in that neighborhood and this had directed the flow of water into her driveway. She stated that part of her rock wall had been knocked down during the construction of the storm sewers. She had reported this to the Department of Public Works. The matter was turned over to the Director of Public Works who stated he would check into it.

MR. WILLIAM H. HARTWIG appeared before the Council stating that residents of Highland Park, Highland Park West, and Highland Terrace had formed an organization for the betterment of their community. This organization wanted to offer its services to the Council. He submitted a petition dated November 11, 1950, reading as follows:

"We the undersigned, residents of Highland Park West and Highland Park, request and hereby petition the City of Austin to pave Bull Creek Road from Jefferson Avenue on the south to Camp Mabry Road on the north.

"Bull Creek Road is the only direct route to downtown Austin. It is heavily traveled by the residents in this area, by city busses, and

by a large volume of construction equipment, trucks and vehicles, plus considerable through traffic to Balcones Trail and Lake Travis area.

"Bull Creek Road between Jefferson Avenue and Camp Mabry Road is not properly a two-lane street since there are no curbs, and the pavement along both shoulders is in a dangerous state of repair. Such repair efforts as have been made are inadequate, expensive, and very temporary.

"To this end we respectfully call your attention and request an early consideration of our needs.."

As much of the property is state-owned, paving depended upon an Act of the Legislature, but it did not appropriate money for this project. Mr. Hartwig's idea was that the Developer paved these streets in this area and that cost was borne by the people who bought those lots, and the City did not participate in that paving. He felt the amount the State owned would be about 12% of the total paved streets in Highland Park West and would represent less than the City would have had to contribute to the paving in that section, had it gone in with the citizens under the present paving plans. He also stated they needed street lights, a park, adequate police protection. The Mayor asked if this road could not be brought down to a grade and kept oiled until it could be permanently paved, as the nature of the road was the greatest danger. MR. J. H. SCHULTZ asked if H.B. 481 wouldn't provide for the maintenance of approaches to state property. The City Attorney explained this bill provided for grading and paving inside the institutions' grounds, but not on the outside. MR. R. J. MEEK asked that a counter be placed on Bull Creek Road to show the amount of traffic. MR. SAM KINCH stated this group was looking to the City for this paving rather than to the State. The Mayor stated this matter would be studied to see just what could be done.

The Council received the following letter from the Secretary of the Zoning Board, dated June 28, 1951:

"An emergency has arisen with regard to zoning on the Federal Housing development since two of the tracts are now zoned "A" Residence District and "C" Commercial District and a "B" Residence District is required to permit the proposed development. One tract at the southeast corner of Chicon and East 3rd Streets on which they propose to locate a management and maintenance building is now zoned "B" Residence District and a "C" Commercial District is required.

"In order to speed up action on these changes of zoning, the Board of Adjustment held a special meeting this morning, June 28th, at 9:00 A.M. and voted to recommend zoning changes as listed below so that no unnecessary delay will be encountered in starting construction on the projects.

"Tract which is a part of Lots 4 and 5 out of the Jas. E. Bouldin Estate located south of Brodie Lane, East of the I. & G.N. Railroad and west of South 5th Street projected, from "A" Residence District to "B" Residence District,

"Tract bounded by Rosewood Avenue, Thompson Street and Webberville Road from 'A' Residence District and 'C' Commercial District to 'B' Residence District, and

"Three lots at the southeast corner of Chicon and East 3rd Streets from 'B' Residence District to 'C' Commercial District.

"The official recommendation by the Board of Adjustment will be filed with the City Council in a few days and legal descriptions of each tract will be furnished the Legal Department for proper publication in a newspaper."

Councilman Long moved that the Council hold public hearing on the zoning of the three tracts of land mentioned in this letter from the Secretary of the Zoning Board, at 11:00 A.M., July 19, 1951, the tracts set out as follows:

- (1) Lots 7, 8, and 9, Blk. 5, Outlot 23, Div. "O" Fair Grounds Addition, located at the southeast corner of Chicon and E. 3rd Streets and known as 205 Chicon Street, -- From "B" to "C"
- (2) 19.035 acres out of the 21.37 acre tract known as the Francis St. Joseph Fox tract in Block "C" of the "Partition of the James E. Bouldin Estate", being located south of West Live Oak Street between the I & GN Railroad and South 5th Street Extended, and known as 1000 and 1100 Blocks W. Live Oak Street-- From "A" to "B"
- (3) 4.137 acres, Blk. 1, All of Blk. 2, all of Block 3, 2.367 acres out of Block 4, 0.40 acres, Blk. 5, and 5.66 acres of Blocks 6 and 7, Out. 13, Div. "B", known as the 2400-2600 Blocks Rosewood Avenue, the 700-1000 Blocks Thompson Street, and the 3300-3600 Blks Webberville Road.

The Motion, seconded by Councilman White, carried by the following vote:
 Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Noes: None

The Council received notice from the City Manager that the following applications for change of zoning had been referred to the Zoning Board of Adjustment for consideration and recommendation:

HOUSING AUTHORITY OF THE CITY OF AUSTIN	205 Chicon Street	From "B" Residence To "C" Commercial
HOUSING AUTHORITY OF THE CITY OF AUSTIN	1000 and 1100 Blks. West Live Oak Street	From "A" Residence To "B" Residence
HOUSING AUTHORITY OF THE CITY OF AUSTIN	2400-2600 Blks. Rosewood Ave., 700-1000 Blks. Thompson Street and 3300- 3600 Blocks Webberville Road	From "A" Residence and "C" Commercial To "B" Residence
MRS. DAISY T. GILBERT	1511 Shoal Creek Blvd.	From "A" Residence To "B" Residence

AMERICAN-SYRIAN LEBANON
ASS'N.

1621-1267 Teemey Rd.

From "C" Commercial
To "D" Industrial

Pursuant to published notice thereof, public hearing was held on the following application:

H. P. ALLEN

2400 Block South Congress Avenue

From "A" Residence
To "C" Commercial
NOT Recommended by the Zoning Board of Adjustment.

MR. ALLEN appeared in his own behalf and stated the reasons for his request. He said the use he wanted for this property would be permitted under "B" Zoning. He pointed out an error in the map of the property. He asked that the request for "C" Zoning be withdrawn, and his application be amended to request a change of zoning from "A" to "B" Residence. MR. MURRAY P. RAMSEY appeared before the Council to ask that this application also be considered by the Planning Board, and he thought the Planning Board could help Mr. Allen in the planning of his streets. MR. JOHN ECKERT mentioned the fact there were no streets in this area, and no building permit could be issued because the location is more than 150' from the street. Councilman Long moved that this application be re-referred to the Zoning Board for its consideration of changing the zoning to "B" Residential, and that the Zoning Board send the request to the Planning Board for its consideration. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

(Councilman MacCorkle added that all people be notified on the corrected plat)

Discussion on the tax appeal of GEORGE NALLE and J.E. MOTHERAL (made by letter dated April 16, 1951, and heard by the Council on May 24, 1951) of the property covered under Esperanza School District Tax statement #R3107, 97 acres of land outside the City, was held. MR. L. THEO BELLMONT, representing the Equalization Board, stated the valuation placed was low, and not at all excessive. COUNCILMAN JOHNSON asked that the Tax Assessor, Mr. Clifford Stohl, be consulted. MR. STOHL stated the valuation placed was in line. Councilman Long then moved that the opinion of the Equalization Board be upheld in this appeal. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The tax appeal of MR. H.J.H. MELIN (.914 acres, Hill Survey, Plat 74 Item 5) was considered. MR. L. THEO BELLMONT, representing the Equalization Board, explained the assessment. He stated there were some errors found when they made their inspection, and these errors were corrected, and the assessment is based on

corrected figures. COUNCILMAN MacCORKLE asked MR. STOHL, Tax Assessor, if he was satisfied with the valuation and if it could be substantiated. MR. STOHL replied he was satisfied, that it was not excessive, and that the units of square feet placed on these buildings were put on the same type of houses in other parts of town. He stated valuations were not up to present values, but the Department tried to maintain an equalization. Councilman Johnson moved that that the valuation remain as originally assessed. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Noes: None

The Mayor asked the City Manager to submit an estimate of what will be needed for the projects necessary this year out of bond money. The City Manager stated he had an overall statement, but it was not detailed as he would like to submit. However, he submitted the following summary of what will be needed, as follows:

June 28, 1951

"SUBJECT: 1951 BOND FUND REQUIREMENTS

"In accordance with your request, we are submitting herewith our estimates of bond fund needs that must be provided in addition to to sale in July, 1951, that will meet the requirements for the remainder of the year and for the first three months of 1952. The following tabulation indicates the needs:

	July Sale	Oct.-Dec. Needs	Jan.-Mar Needs
Sanitary Sewers Improvements	\$ 500,000	\$150,000	\$250,000
Street & Bridge Improvements	550,000	150,000	100,000
Water System Improvements	<u>350,000</u>	<u>300,000</u>	<u>500,000</u>
	\$1, 400,000	<u>\$600,000</u>	<u>\$850,000</u>
		Total	\$1,450,000
		Schools	<u>1,600,000</u>
		GRAND TOTAL	<u>\$3,050,000"</u>

The City Manager is working on a detailed tabulation which he said would be submitted the next week. Discussion of the Tax Rate was held. Councilman Long submitted figures on the tax rate that she thought would make the rate 75¢ rather than 87¢. The plan proposed taking the \$150,000 which is set up for the Municipal Building, and using that to apply on the total debt; also using the estimated cash on hand January 1952, \$95,453, and that would leave \$1,198,003. She stated at a 75¢ rate and 95% collection on \$172,000,000 valuation, that would produce \$1,225,500. She suggested collecting more delinquent taxes in a vigorous campaign. MAYOR DRAKE stated the City Manager would have detailed figures by Monday of the next week and this could be put on the Council's Agenda for next Thursday.

The City Manager asked that some additional meetings be called--one to go over the hospital plans--and one to go over the job evaluation figures. The Council set Monday, July 2, 1951, at 4:00 P.M. as a meeting date to go over the hospital plans with the Hospital Board and architects and Staff. Tuesday evening and 8:00, July 3rd, was set as the meeting date to go over the job evaluation.

Councilman WHITE made inquiry about the job evaluation with regard to the Fire and Police employees. The City Manager explained how the job evaluation was considered with respect to legislation regarding firemen and policemen. Mayor Drake asked if figures, both under the City plan and State plan could be submitted.

COUNCILMAN LONG asked for a recommendation from the Planning Division concerning taking in certain areas in the City limits. She mentioned particularly the Gevalle area that wanted to come in the City limits for school purposes, and she would like to see a uniform plan suggested that when some areas are taken in that consideration be given to the amount of other territory that would be wise to be included. The City Manager stated something would be submitted in sufficient time to help them out on the school situation.

COUNCILMAN WHITE recommended that a swimming pool be built in Gillis Park, as the children on the west side had to go to Travis Heights swimming pool and had to cross dangerous South Congress. He also reported a bad situation at the G. I. Surplus location, 906 Justin Lane, in that it was just a junk yard with metal trash cans filled with water, and grass growing around the debris. The City Manager was asked to have this checked.

COUNCILMAN MacCORKLE brought up the Welfare question, stating the Council voted unanimously to instruct Councilman Long to get with the City Manager and Health Officer and make a recommendation. (NOTE: This vote was taken in an Executive Meeting on May 25, 1951, and no minutes were recorded by the City Clerk) He stated the Division of Welfare apparently had not been set up by ordinance, and the City Charter had not been followed in setting it up; and that under the Constitution, the City could not appropriate money for welfare. The City Attorney stated it would be unconstitutional to appropriate money for the direct aid or grant to individuals, associations or corporations; but that welfare might touch upon public health, education matters within municipal functions. He explained the present appropriation as set up in the budget and one particular item. He stated if this item was appropriated to pay house rent, groceries, and cash donations to individuals, and if that money is used for any grant or the purchase of something to give to an individual or association, it does violate the constitution. COUNCILMAN MacCORKLE stated, that being the case, he would like to recommend and move that the Welfare Division as it now exists be abolished and that the money we are now using for that purpose be returned to the General Fund as of the end of July 31st. He then stated he would go as far as he could legally in cooperating with the County in meeting this problem. He did not feel he could appropriate money when he was told it was illegal; and he did not feel he could continue a department from all the facts he could get which was not operating efficiently

either from the viewpoint of the taxpayers or the individuals it was serving. The motion was not seconded. COUNCILMAN LONG stated she would hate to see the Department abolished, that she thought maybe it was not an illegal set-up, based on common practice. Discussion on the City Attorney's opinion, on the Charter, and on appropriations to the Symphony Orchestra was held. MAYOR DRAKE stated he would hate to take action so important to the community as a whole on abolishing the welfare department, without a little more thought. He stated there were other places, as Councilman Long had pointed out, where some illegal appropriations might have been made, such as those for the Symphony Orchestra; but he thought that might be considered that the Orchestra was employed by the Recreation Department for a series of concerts, and that would be a legal expenditure of money; but he would hate to take immediate action on the abolition of the Welfare Division today. COUNCILMAN WHITE asked if there was a legal way of maintaining the welfare division. The City Attorney said it would have to be tied in somehow with Public Health. COUNCILMAN JOHNSON suggested to go ahead and appoint the Committee and see what they can work out. COUNCILMAN WHITE thought welfare was essential, but did not want to do anything illegal, and he would like to have a few days to study this, and asked the City Attorney to try to work out something where it would be legal. The City Manager gave a brief history of the development of the Welfare Department as it grew out of depression days and W.P.A. days. He stated the matter of welfare, health and hospitalization are overlapping and affect each other. Where you find sickness, you find need, if the head of the family is down. If you can keep the people up and going, that is helpful. After detailed discussions, the Council decided to take this matter up again next Thursday, and Councilman MacCorkle withdrew his motion to restate it at that meeting.

A Mr. Robertson, living on Tom Green Street, asked that consideration be given to two-hour parking meters, as the parking situation was terrible, and people who wanted to transact business became minor law breakers. The Mayor stated the Council appreciated this fact, and had an ordinance creating a traffic board for the purpose of getting suggestions and to help solve these traffic problems. He stated the members would get together and appoint this committee.

COUNCILMAN LONG reported the bad condition of the little Park at 25 $\frac{1}{2}$ Street and Pearl. During the construction of a fraternity house next to this property, the play equipment was removed, and the area has grown up in weeds. She asked if this equipment couldn't be put back and the park cleared.

COUNCILMAN LONG presented the City Manager a petition for oiling the 800 and 900 Block on East 53rd Street. He suggested anytime Council Members had reports and requests, they could just pass them on to him and he could get them back a report.

COUNCILMAN LONG made inquiry about the manner in which the Zoning Law was enforced. The City Attorney stated the Zoning Ordinance provided that the Building Inspector shall be the policing officer, and they make inspections, but the City Attorney felt this Department did not have adequate personnel to police it. The City Manager stated generally the complaints were received here from the neighbors. COUNCILMAN LONG felt that so much time was spent on planning and zoning, that some time ought to be spent on the enforcement end of it also.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the north side of East 1st Street as a private gasoline plant, which property is owned by the Stone Company, and is designated as Lot 10, Outlot 26, Division O, University of San Antonio Subdivision, in the City of Austin, Travis County, Texas, and hereby authorizes the said Stone Company, through K. B. Thompson, to operate a private gasoline plant consisting of a 500 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained, if after hearing, it is found by the City Council that the said Stone Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
June 28, 1951

"Mr. Walter E. Seaholm
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of The Stone Company, by K. B. Thompson, for permission to operate a private gasoline plant consisting of a 500 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of East 1st Street, which property is designated as Lot 10, Outlot 26, Division O, University of San Antonio Subdivision, in the City of Austin, Travis County, Texas, and locally known as 2328 East 1st Street.

"This property is located in a "C" Commercial District and I recommend that this permit be granted subject to the following conditions:

"(1). That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriter's Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2). That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading

or receiving gasoline or other supplies shall not in anyway obstruct the free passage of traffic on either the sidewalk, street or alley.

"(3). That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4). That all fees shall be paid and a permit secured from the Building Inspector's office before any installation work is started and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector "

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as the "Resubdivision of Portions of Lots 1 and 2, Liveoak Grove", approved by the City Plan Commission of the City of Austin on October 12, 1950, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with J. E. Roberts and W. E. Wilson, in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City

Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (Filed under Water Main Extensions, 1951) (Contract File No. 528-C)

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Council received the following:

"June 20, 1951

"City Council
City of Austin
City Hall
Austin, Texas

"Gentlemen:

"Request is hereby made to have the 16.5 foot alleyway running off the 1000 block of Wayside Drive, Austin, Texas, closed.

"The original purpose of this alleyway as stated by Mr. Tom Graham, the subdivider, was to furnish an outlet for the people who own the property covered by diagonal lines on the plat since they had no other outlet. Since that time I have acquired all the property covered by this outlet and have deeded Mr. Stewart, the owner of the frame residence shown on the map, property fronting on Norwalk Lane so that he now has an outlet to that street. The only other people who would have any legal interest in this alleyway would be the school officials since Austin Public Schools now own the property south of this alley.

"Alleys breed filth and thievery, and my only purpose in desiring to get this alley closed is to clean up the neighborhood. I would appreciate your notifying me when this case comes up for consideration as Mr. Tom Graham has volunteered to show why he thinks the alley should be closed at this time.

"Thanking you for this and past considerations, I remain:

"Very sincerely yours,
(Sgd) Richard G. Avent "

It was stated that Mr. Avent had been advised if he could secure the consent of all the property owners, this could be considered by the Council.

There being no further business, the Council adjourned at 1:00 P.M. subject to the call of the Mayor.

APPROVED: W. S. Brant
Mayor

ATTEST:

Elaine Kossley
City Clerk